

**WASHINGTON STATE HUMAN RIGHTS COMMISSION  
MEETING OF  
January 24-25, 2002**

**Seattle Center  
Northwest Rooms, Shaw Conference Room  
Seattle, WA**

**MINUTES**

**THURSDAY, JANUARY 24**

**PARTICIPANTS**

**Commissioners:** Rudy Vasquez (Chair); Ellis Casson; and Charlotte Coker.

**Staff:** Susan (Sue) J. Jordan; Edmon Lee, Deputy Director; Idolina Reta and Arthur Stratton, District Managers; Tanya Calahan, Commission Clerk; and Diana Guzman, Equal Opportunity Compliance Specialist.

**Guests:** Devon Abdallah and Ibrahim al-Husseini, Arab American Community Coalition; Boots Winterstein and Yan Deretsky, Lutheran Community Services Northwest; and Carmen Butler .

**OPENING**

Commissioner Vasquez welcomed the public to the meeting. The Commissioners, staff, and audience members introduced themselves to one another.

Commissioner Casson welcomed all in attendance to Seattle and to the Seattle Center. He noted that he is also a board member for the Seattle Center Advisory Commission. He thanked the public for coming out to the Commission's Thursday evening community meetings to share information with the Commission.

**KING COUNTY  
AND  
SNOHOMISH  
COUNTY  
UPDATE**

EOC Specialist Diana Guzman provided an update on discrimination complaints filed in King and Snohomish Counties.

Over the past year, 393 complaints were filed in King and Snohomish Counties. Of those, 324 were in employment, 23 were in housing, and 46 were in public accommodations. Notably, the number of disability complaints rose from 82 to 125 over the past year. Of the total closures during this period, 44 these cases resulted in some type of settlement. Ms. Guzman pointed out that the City of

Seattle & King County also take discrimination complaints and their numbers are not reflected in the Commission's statistics.

Ms. Guzman next spoke about fair housing issues. The number of housing complaints has decreased. This appears to be a nationwide trend. The US Department of Housing and Urban Development (HUD) are looking at impediments to fair housing to find out why people aren't filing complaints in housing. Commissioner Vasquez asked staff whether they keep track of complaint trends as events happen (e.g. September 11, 2001 terrorist attacks). Staff stated that trends are not specifically tracked. However, complaints historically increased when the economy is bad, leading to increased employee layoffs.

Ms. Guzman highlighted a recent press release from the Federal Equal Employment Opportunity Commission (EEOC). The press release was a response to the discrimination and backlash experienced by those in the Muslim and Arab community.

Executive Director Sue Jordan stated that EEOC Commissioner Paul Stevens Miller will be in Seattle on May 14, 2002. She stated that the Commission may want to partner with EEOC on an event during his visit.

**LUTHERAN  
COMMUNITY  
SERVICES  
NORTHWEST**

Boots Winterstein and Yan Deretsky spoke about the activities of Luther Community Services Northwest (LCSN). Mr. Deretsky highlighted the four major areas that LCSN is focusing on.

The first area is housing. This includes government and private housing. He stated that immigrants are facing discrimination in this area. The second area is employment. LCSN's has received complaints from senior citizen clients and clients with mental disabilities that allege discrimination in employment. The third area is medical concerns. Mr. Deretsky spoke about frustration felt by his non-English speaking clients while dealing with medical facilities. There are cultural barriers and interpreters are not always available. The fourth area is accessing Washington State Department of Social and Health Services (DSHS) Services, who eliminated their interpreter program.

Boots Winterstein spoke about LCSN's future plans. She stated that by not having interpreters available for clients, some adults will have to rely on children to serve as interpreters when dealing with medical personnel. She also stated that this may result in violating privacy and misinterpreting important medical information.

**ARAB  
AMERICAN  
COMMUNITY  
COALITION**

Commissioner Vasquez will put Ms. Winterstein in touch with the Washington Coalition on Medicaid Outreach. They meet quarterly in different areas around the state such as Seattle, Spokane, and Yakima.

Commissioner Vasquez pointed out that there are collective concerns about the elimination of interpreter services at DSHS. The Commission has asked its assistant attorney general to look into this issue to see if it's jurisdictional for the Commission.

Devon Abdallah and Ibrahim al-Husseini spoke about the activities of the Arab American Community Coalition (AACC). The AACC is comprised of five Arab American organizations. There are 1000 people on AACC's mailing list. Ms. Abdallah estimates that there are 10,000 people of Arab descent in King County.

Ms. Abdallah spoke about her personal experiences as a fourth generation Lebanese woman and the discrimination she has faced. Since the events of September 11, 2001, many people in the Arab and Muslim community have experienced harassment and discrimination. One individual had his money frozen by a bank because the transactions were with individuals in the Middle East. Some have been removed from airplanes. She also expressed concern about current anti-terrorist legislation which appears to be ambiguous. The AACC has been asked to testify about various anti-terrorist bills.

Ms. Abdallah talked about the misconception about religious beliefs of people of Arab descent. She stated that about 60% of Arab Americans are Christian and many African Americans are Muslim.

Mr. al-Husseini stated that he is Arab American and Muslim. The AACC started a hotline after the events of September 11, 2001. By the end of November 2001, 132 people called the hotline. Some of the problems experienced by the callers were assault, harassment, and racial profiling. He gave an example of a Somali man that quit a high paying job and took a demotion because of the harassment he experienced.

Equal Opportunity Compliance Specialist Diana Guzman commended Ms. Abdallah and Mr. al-Husseini for the work that they do in the community. The Commissioners also expressed appreciation for their hard work.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:50 p.m.

## **FRIDAY, JANUARY 25**

**PARTICIPANTS:** **Commissioners:** Rudy Vasquez (Chair); Ellis Casson; Charlotte Coker; and Dallas Barnes ;. A quorum was present.

**Staff:** Susan (Sue) J. Jordan, Executive Director; Edmon Lee, Deputy Director; Reneé Knight, Administrative Assistant; Idolina Reta, Arthur Stratton, and Cheryl Strobert, District Managers; Tanya Calahan, Commission Clerk; Mary Clogston, Legislative & Regulatory Coordinator; and Susan Carlson, Assistant Attorney General

**Guests:** No guests attended the meeting.

### **OPENING AND WELCOME**

Commissioner Vasquez opened the meeting at 9:00 a.m. and welcomed everyone.

### **APPROVAL OF MINUTES**

Commissioner Coker made a motion to approve the minutes of December 21, 2001. Commissioner Barnes seconded the motion. MOTION CARRIED.

Executive Director Sue Jordan gave a status report of the follow up items from the December 21, 2001 Commission meeting.

Staff has gathered video evidence in the case of Cheryl Noble v. Valley Football and Cheerleading Association. Staff is recommending that the Commissioners reopen the case so staff can gather additional information. This item will be considered later on the agenda.

### **APPROVAL OF CASE CLOSURES**

Commissioner Coker made a motion to approve the amended case list for the period of December 15, 2001 – January 18, 2002. Commissioner Casson seconded the motion. Commissioner Vasquez abstained from voting on Carr v. Starbucks. MOTION CARRIED.

### **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Sue Jordan gave an update on agency activities.

Ms. Jordan highlighted the book by John Carver, Boards that Make a Difference. Commissioner Vasquez received this book previously. Staff will order copies for the other Commissioners.

Ms. Jordan spoke about the strategic planning process. Groups are forming to work on the plan. Commissioner Casson asked for clarification about the planning process and asked when the Commissioners will vote to adopt the plan.

Discussion then ensued about the next steps for the Strategic Plan and what the Commissioners role is in implementing the plan. This

item will be discussed further under new business and at the February 2002 Commission meeting.

Ms. Jordan spoke about a recent meeting that staff had with the Attorney General's office to discuss the case settlement process. Staff will receive more training in this area. Also with regards to settlements, staff is reviewing the practice of recommending full remedy settlements without the signatures of complainants.

The December 19, 2001 all staff meeting is available on video. Commissioner Coker requested that she receive a copy of the video at the February 21-22, 2002 Commission meeting.

Ms. Jordan shared information about the Government to Government training sponsored by the Governor's Office of Indian Affairs. The one-day training session covers a tribal historical perspective, legal issues, tribal sovereignty and tribal government. The training gives attendees a much better understanding of Tribes, their people and unique culture, and an enhanced awareness of the importance of multi-culturalism.

Commissioner Vasquez will have a special article in an upcoming edition of the agency newsletter. Ms. Jordan welcomed ideas from all Commissioners for the newsletter.

Legislative and Regulatory Coordinator Mary Clogston put together a Bill Status Report. Ms. Clogston highlighted various bills that she is tracking that may have an impact on the work of the Commission. The Commissioners requested that staff keep an eye on certain bills such as those dealing with Initiative 200, Muslim students, and non-citizen college tuition.

Deputy Director Lee gave an update on the Higher Education Coordinating Board's (HECB) report on higher education. David Souza at HECB is taking the lead on implementing the plan. Discussion among HECB staff and a cross section of educators and ethnic commission representatives has begun about how to proceed. No action has been taken thus far. Mr. Lee will keep the Commissioners informed about HECB's progress.

Commissioner Vasquez asked what the Commission could do to spur the group on to take action. Commissioner Coker suggested that the Commissioners write a letter to HECB to encourage them to move forward with implementing the plan and that also states that the Commission wishes to be part of the process. Commissioner Vasquez stated that the Commission can act as a catalyst to help

**QUARTERLY  
PERFORMANCE  
UPDATE**

move the group forward. The other Commissioners agreed. Deputy Director Lee will draft a letter to HECB for the Commissioners. During the past quarter, 276 new charges were received. The number of charges received in the past two months has decreased. This is unusual given the current economic situation. Staff expects that the numbers will rise in the coming months.

There were 272 cases closed during the past quarter. At the end of December 2001, the agency's inventory was 757 cases. There were six reasonable cause findings and 35 settlements issued during this period.

The EEOC contract is in the process of being finalized. Staff expects that the contract for the current federal fiscal year (October 1, 2001 - September 30, 2002) will be for 800-850 cases.

Staff reached over 3300 participants during outreach sessions during the past quarter. This includes presentations to individuals in monolingual communities reached under the Fair Housing Initiatives Program (FHIP) grant.

**2002 COMMISSION  
MEETING  
SCHEDULE**

The Commissioners discussed the Commission meeting schedule for 2002. The Commissioners asked Commission Clerk Tanya Calahan whether the Commission has had regular meetings in August in previous years. Ms. Calahan stated that the Commission held conference call meetings in the month of August in 2000 and 2001. The Commissioners agreed to have a conference call during August 2002. Commissioner Coker then made a motion to adopt the 2002 Commission meeting schedule with the addition of a conference call meeting in August 2002. Commissioner Casson seconded the motion. MOTION CARRIED.

**BUDGET UPDATE**

Deputy Director Edmon Lee and Reneé Knight gave a budget presentation to the Commissioners. He highlighted the biennial budget process that is included in a handout given to the Commissioners.

The total state budget for the 2001- 2003 biennium is \$51.3 billion. The Commission's approved 2001-2003 budget is \$7,086,185. Mr. Lee explained the allotment breakdown, which is \$5,514,790 from the state general fund and \$1,571,395 from federal contracts. Approximately 78% of the agency's budget goes towards salaries and benefits, 10% goes towards goods and services, and 11% goes toward revolving funds. A few examples of revolving funds are for services rendered by the Attorney General's office, General Administration Facilities and Services, Archives and Records

Management, and the Department of Information Services.

The agency's federal contract with the EEOC results in \$500 per case reimbursement. In 2000-2001, the contract level was 771 cases, which was modified from an original contract of 1008 cases. The EEOC contract funds several agency staff positions. And is also utilized to maintain the agency's computer and information technology efforts.

Under the HUD contract, the agency receives \$1800 per case. During 2001-200 116 cases were submitted for credit under this contract, which is open ended. There are opportunities to receive additional funds for training and enforcement if 100 cases or more are completed annually.

HUD has several expectations for case processing. District Manager Arthur Stratton pointed out that no matter what the investigative finding is, HUD requires strict documentation and has specific standards that must be met, otherwise HUD may reject the case and send it back for additional work before credit for the case is given to the Commission.

Staff stated that the standards for investigating HUD and EEOC cases are pretty much the same but extent and type of documentation requirements differ.

Executive Director Jordan shared that even if the Commission was not paid for processing EEOC and HUD cases, staff would have to investigate them anyway.

Deputy Director Edmon Lee highlighted year to date expenditures for the current fiscal year (July 1, 2001 - June 30, 2002) for both state and federal dollars. There are currently 35.6 staff positions or full time equivalents (FTEs) funded by state dollars, nine FTEs are funded by EEOC dollars, and five FTEs are funded by HUD dollars.

For future planning staff has reviewed a proposed five percent budget cut as required by Governor Locke. This translates to \$135,000. The Commission is a small agency and has no programs to cut. This would not be a one time cut but would felt annually.

Mr. Lee next spoke about future planning with the proposed five percent budget cut in mind. The number of FTEs funded by state dollars would be reduced with the HUD and EEOC contracts funding additional FTEs.

Projected out, at the middle of the 2003-05 biennium, the Commission could be faced with a difficult budget scenario. Legislators are expected to begin more active discussion on the general state budget during the upcoming legislative session. Different budget adjustments could surface at this time.

Commissioner Barnes suggested a budget scenario without federal funds included. Executive Director Jordan stated how important it was to maintain partnerships with federal agencies in civil rights work. She also stated that if the Commission went to the state for additional funding, there is no guarantee that it would be received. The Legislature is currently focusing on other areas such as education and transportation.

#### **RECONSIDERATIONS**

The case of Debbie Redden v. Meadowbrook Extended Care (17ED-103-00-1) was postponed to the February 22, 2002 Commission meeting because the Seattle Center Shaw Conference Room does not have conference call capabilities to allow the parties to participate by phone.

#### **Motion to Deny**

**Susinn MacMerchys v. GTE Northwest (31ED-0015-00-1).** Neither Complainant nor Respondent participated. District Manager Cheryl Strobert provided a summary of the case. Complainant filed a complaint based on disability. A no reasonable cause finding was issued. A review of the file showed that all relevant information was considered during the investigation. Commissioner Casson made a motion to deny the petition. Commissioner Coker seconded the motion. MOTION CARRIED.

#### **Motion to Grant**

**Marlene Bailey v. Management Recruiters of Everett (31ESZ-0553-00-1).** Neither Complainant nor Respondent participated. District Manager Cheryl Strobert provided a summary of the case. Complainant filed a complaint based on sex and retaliation. A no reasonable cause finding was issued. Complainant identified witnesses who were not contacted and alleged that relevant information was not considered during the investigation. The evidence in the file revealed that Complainant's witnesses were contacted, however the statements in the petition are more detailed than the questions asked by the investigator. Commissioner Barnes made a motion to accept staff's recommendation to grant the petition. Commissioner Coker seconded the motion. MOTION CARRIED.

Commissioner Vasquez asked about the reconsideration process and how cases are assigned in the beginning. Staff stated that the Clerk



receives the petition and then assigns them to Specialists for review. Cases may be reassigned based on the Specialists' workloads. The Specialist performs a thorough review of the petition and the case file and then makes a recommendation to grant or deny the petition or they make a does not meet criteria recommendation. Cases that do not meet criteria do not go before the Commissioners. Commission Clerk Tanya Calahan added that she reviews petitions for timeliness and if they are not timely, she issues a does not meet criteria determination to that effect. In those instances the cases do not get assigned to Specialists for review.

## **NEW BUSINESS**

Discussion ensued again about the strategic planning process. Legislative and Regulatory Coordinator Mary Clogston spoke about the next steps for the process. The next step is to identify the objectives. The work plans for the objectives are the working documents for the strategic plan.

Commissioner Casson asked about the role of the consultant, Cindy Colvin in the strategic planning process and whether she was hired to produce a final product. Staff stated that Ms. Colvin was hired as a facilitator to help steer the Commissioners and staff in an effective direction. The work on the plan itself will be done by the Commissioners and staff. There are currently 10 strategy workgroups with 25 staff participating on the workgroups.

The Commissioners discussed the next steps for formally adopting the plan. Ms. Clogston suggested that staff do an overview of the strategic plan at the February 21-22, 2002 Commission meeting in Tacoma, send the Commissioner the latest draft of the plan, and then have the Commissioners formally vote on the plan. Commissioner Coker made a motion to accept this recommendation. Commissioner Casson seconded the motion. MOTION CARRIED. One hour will be allotted on the February agenda for this item.

Commissioner Barnes commented about the number of cases that the Commissioners are required to review each month (about 100 cases). He proposed pushing back cut off date for getting information to the Commissioners to give them more time to read the information. He also proposed sending information to the Commissioners earlier for Commission meetings instead of on the Friday before the meeting. Commissioner Coker expressed that it is important for the Commissioners to consider cases quickly to provide good service to the public.

Commissioner Coker then requested that Commission Clerk Tanya Calahan prepare a memo to the Commissioners that describes the

impacts on her and other staff if the cut off dates were changed and any other ramifications for readjusting the dates for mailing information to the Commissioners. Ms. Calahan will prepare memo to the Commissioners before the February Commission meeting.

Commissioner Barnes next spoke about the Gandy v. Yakima Valley Community College complaints. He commended EOC Investigator Janice Whitman for her work on the case. He then suggested a Commission initiated complaint on the issues in the Gandy case. Commissioner Barnes spoke about a Court of Appeals of WA, Division 1 case: State v. Larry Bullis, case number 48164-9-I. It was filed on January 14, 2002. He suggested that this case be reviewed for relevance.

Staff will look into the issue of a Commission initiated case and the Court of Appeals Bullis case. These items will be addressed at the February Commission meeting.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tanya Y. Calahan".

Tanya Y. Calahan  
Commission Clerk

**ACTION ITEMS**  
**JANUARY 24-25, 2002 COMMISSON MEETING**

1. **Item:** Order copies of the book, Boards that Make a Difference for Commissioners Barnes, Casson, and Coker.

**Status:** The book was mailed to the Commissioners on February 8, 2002.
2. **Item:** Bring a copy of the video of the December 19, 2001 all staff meeting to the February Commission meeting for Commissioner Coker.

**Status:** Commission Clerk Tanya Calahan will bring a copy of the video for Commissioner Coker to the February 21-22, 2002 Commission meeting.
3. **Item:** Deputy Director Edmon Lee will draft a letter to the Higher Education Coordinating Board for the Commissioners.

**Status:** The letter was drafted and is awaiting final approval and signature by Commissioner Vasquez. A copy will be provided to the Commissioners at the February 21-22, 2002 Commission meeting.
4. **Item:** Staff will include an overview of the strategic plan on the February 2002 Commission meeting agenda and send them the latest plan for consideration and adoption.

**Status:** One hour is devoted to this item on the February 22, 2002 Commission meeting agenda.
5. **Item:** Commission Clerk Tanya Calahan will prepare a memo to the Commissioners that describes the impact on her and other staff and other ramifications if the deadlines were changed to send mailings to the Commissioners earlier.

**Status:** The memo was prepared and mailed to the Commissioners on February 8, 2002.
6. **Item:** Staff will look into the issue of a Commission initiated complaints and provide a report at the February 22, 2002 Commission meeting.

**Status:** Executive Director Sue Jordan will discuss this item under the Executive Director's Report.